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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,315	03/24/2006	Youichi Terao	03173PCT	1980

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EXAMINER	
MUKKAMALA, SANDEEP	
ART UNIT	PAPER NUMBER
4152	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,315	TERAO ET AL.	
	Examiner	Art Unit	
	SANDEEP MUKKAMALA	4152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/24/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (JP 356039752) in view of Masaharu et al. (JP 07-115924).

5. Regarding claims 1-3, Shimizu discloses cooked rice is packed into an edible casing sealed and steamed (abstract). Shimizu does not appear to explicitly disclose using gelling agent to solidify the cooked rice. However, Masaharu discloses a gelatin agent is dissolved in water and rice is steamed by using the resultant aqueous solution. The steamed rice is then frozen under stirring (Masaharu, abstract). Shimizu and Masaharu are analogous art because they are from the same field of endeavor, cooking rice.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Shimizu and Masaharu before him or her, to modify the rice packed into an edible casing and steamed of Shimizu to include the rice with gelatin agent dissolved in water of Masaharu because it provides the cooked rice excellent taste and gloss when it is thawed. The motivation for doing so would have been because it provides an excellent preservability and convenient to carry (abstract). Therefore, it would have been obvious to combine Masaharu with Shimizu to obtain the invention as specified in the instant claim(s).

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hideto et al. (JP 01-304857) in view of Masaharu et al. (JP 07-115924).

7. Regarding claims 1-3, Hideto discloses a mixture of rice and seasoning which is packed into a casing (abstract). Hideto does not appear to explicitly disclose steam-cooking and using gelling agent to solidify the cooked rice when cold. However, Masaharu discloses a gelatin agent is dissolved in water and rice is boiled or steamed

by using the resultant aqueous solution. The boiled or steamed rice is then frozen under stirring (abstract). Hideto and Masaharu are analogous art because they are from the same field of endeavor, cooking rice.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Hideto and Masaharu before him or her, to modify the rice packed into a casing of Hideto to include the steamed rice with gelatin agent dissolved in water of Masaharu because it provides the cooked rice excellent taste and gloss when it is thawed. The motivation for doing so would have been because it provides good nutritional balance. Therefore, it would have been obvious to combine Masaharu with Hideto to obtain the invention as specified in the instant claim(s).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takashi et al. (JP 56-008656) & Tetsuya et al. (JP 2001-224321).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANDEEP MUKKAMALA whose telephone number is (571)270-7043. The examiner can normally be reached on Mon - Thurs 8:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on (571)272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SANDEEP MUKKAMALA/
Examiner, Art Unit 4152

/Joseph S. Del Sole/

Supervisory Patent Examiner, Art Unit 4152